

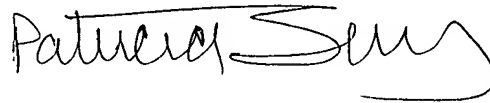
REMARKS

The claims have been cancelled and new claims 23-42 substituted therefore in order that numbering of the claims facilitates review and allowance. The claims have been rewritten to adopt the Examiner's changes from the Examiner's amendment in the parent application (including changes interim thereto) and to include the changes from the amendment after allowance in the parent application, and includes claims as discussed with the Examiner to an inducible regulatory nucleotide sequence (claim 35) and a fragment having regulatory activity (claim 32).

The original claims recited the essential regions of the MS45 promoter by reference to location upstream of the TATA box, and as requested in the parent application, now recites instead the relevant regions with respect to the bases of SEQ ID NOs: 1 and 2. The Examiner had found the claims as recited confusing. The original claims referenced regions "about -38 and in the 5' direction upstream of the TATA box of the MS45 gene (original claim 2); -38 to -195 and in the 5' direction upstream of the TATA box (original claim 6) and -152 to -181 in the 5' direction upstream of the TATA box. For clarity, the claims (23-27) now recite these regions by base pairs 1 to 1311; 1155 to 1311 and 1179 to 1208 of SEQ ID NOs: 1 and 2. The "upstream region" was defined in the specification at the downstream end as the first nucleotide upstream of the BglII site of SEQ ID NO: 2, which is identical to the equivalent region in SEQ ID NO: 1 (See Examples 4 and 5, starting at page 30 of the specification). This corresponds to -39 (not -38 which is the first nucleotide of the BglII site in SEQ ID NO: 2). Thus the base pairs correspond with the regions as originally claimed and as described in the sequence listing and specification.

Therefore it is believed that the claims as newly presented are in condition for allowance, and allowance of the claims is respectfully requested. Please direct any questions or concerns to the attorney of record listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Patricia Sweeney", with a stylized flourish at the end.

Patricia A. Sweeney

Reg. no. 32,733

Patricia A. Sweeney
1835 Pleasant St.
West Des Moines, IA 50265-2334
(515)222-0921
(515)267-0556 (fax)